

UPDATE TO PLANNING SUB-COMMITTEE, THURSDAY 11TH JUNE 2015
AGENDA ITEMS 4F AND 4G, REFS. 15/00114/FUL AND 15/00115/LBC
THE MALT HOUSE, LOWER DARNBOROUGH STREET, YORK. YO23 1AR

1. BAT SURVEY

The applicant has submitted a Bat Scoping Survey (March 2015) and an updated Bat Survey (June 2015). The first has been reported to committee within the Agenda Item 4g. The Bat Survey received on Monday 8th June 2015 includes the results of dusk and dawn surveys undertaken on 28th May and 8th June 2015 and an unmanned recorder in the roof of the building which were requested by the Council's Ecology officer following the results of the Bat Scoping Survey.

The Bat Survey conclusively found that no bats roost within the building and that there was no evidence of the use of the interior of the building by bats. The dusk and dawn activity surveys confirmed the presence of pipestrelle species of bats commuting over and past the site most likely to a roost site somewhere north of the site but not using the building itself. Bats were recorded foraging in the courtyard.

Swifts were observed nesting in the eaves on the southern elevation on Lower Ebor Street.

The report has been reviewed by Design, Conservation and Sustainable Development who support the findings and recommendations of the report, including habitat enhancement. Habitat features to benefit bats could very easily be installed on the building to provide new roosting habitat as recommended in section 9.2 of the report. The inclusion of swift boxes would maintain the biodiversity interest of the development.

A condition is proposed as follows:

Condition: Bat habitat creation

No development shall take place until full details of what measures for bat mitigation and conservation are proposed and what reasonable measures are to be taken to avoid any possible impact on bats and other species during the construction phase. These should be submitted to and approved in writing by the Council prior to any work commencing.

The measures should include:

- i. Details of how the work is to be implemented including what assessments, protective measures (if any) and sensitive work practices are to be employed prior to and during construction to take account of the possible presence of bats.
- ii. Details of what provision can be made within the development to enhance the features suitable for bat roosting. Features suitable for incorporation include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- iii. No development shall take place until details have been submitted to and approved by the Council as to how Swifts are to be taken into account within the development to enhance the habitat suitable for this species.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected and declining species.

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Informatives

Design, Conservation and Sustainable Development have also requested two informatives be added to any planning permission relating to limiting external lighting to minimise impact on bats foraging activity and that it is an offence to disturb breeding birds.

2. CONSERVATION AREAS ADVISORY PANEL (CAAP) COMMENTS

The Maltings have been empty for some considerable time, have remained undeveloped and have survived relatively intact. However in view of the fact that the building could only deteriorate the Panel applauded the re-use of the building and the intention to retain many of the original features. The Panel felt a scheme was required to ensure the features are retained and managed. Historic England's comments were noted and endorsed.

3. FURTHER OBJECTIONS RECEIVED

Since preparing the committee report, 21 further objections have been received. Those issues that have not already been identified in the committee report relate to:

- Lack of community consultation on the application or on proposals for potential alternative uses of the building.
- Concerns that the disposal of the building have not met with principles of 'natural justice' where decision making by the Council should be open and transparent.
- Concerns that the car-club bay, bus passes and funds towards purchase of a bicycle for each of the first occupiers of the units is tokenistic and will not fully resolve the anticipated parking issues.
- The desire to preserve a unique historical, cultural and archaeological building whilst retaining sufficient public access for York residents.
- Preference for a community use for the building, supported by museum use, creative industry space and business start-up units.
- Objection to alterations to the listed structure and rare machinery.
- The need to consider the application for the building to be listed as an asset of community value.
- Desire for a review of the contract of sale of the property.
- Desire for more detailed plans.
- Questioning of some assessment within the Archaeology and Heritage Statement.
- Preference for affordable housing rather than market housing.